

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 8, 13, and 15-25 have been cancelled without prejudice or disclaimer of the subject matter therein.

Claims 1, 2, 5, 9, 14, and 26-30 have been amended and the amendments do not add new matter.

Claims 1-7, 9-12, 14, and 26-30 are pending.

II. Rejections under 35 U.S.C. § 102

Claims 1-14, 22, 23, and 26-30 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 5,910,987 to Ginter et al (“Ginter”). The Examiner contends that Ginter discloses all of the elements of the present invention. Applicants respectfully traverse the rejection.

Applicants have cancelled claims 13, 22, and 23, without prejudice or disclaimer and thus the rejections to the claims have been rendered moot.

Regarding claims 1 and 26, the claims have been amended to recite “user content locations” and a “user remote location”. Support for these amendments is on at least page 12, lines 6-16, disclosing:

The content locations 160 represent any location where electronic works are stored and accessible via the network 140, including a personal content location, such as a home or work personal computer, or a second host or web site where the user also has an account. The user location 180 represents any potential user of the system. The content locations 160 and the user locations 180 typically include a user terminal, server, or a plurality of servers similar to the host 120. In a preferred

embodiment, the content locations are user terminals. A user terminal may include a personal computer or may include any of a variety of portable devices, such as a cell phone 166, hand held unit 168 (e.g., a Palm Pilot®), a car stereo 170, a portable stereo 172 (e.g., a Walkman®), etc., configured to interact over the network 140. The content locations 160 are preferably connected to the network 140 via a high speed connection, such as a digital subscriber line ("DSL") or a cable modem. *See*, Specification, page 4, line 21 to page 5, line 5.

Thus, the first and second "user content location" and the "user remote location" are in control of the user and are one of numerous devices on which the user can store electronic works. The user already has authorization to access the electronic works, either by having an active subscription or owning the electronic work outright. *See*, Specification, page 4, line 21 to page 5, line 5. The locations are linked to a network and the electronic works stored at the particular locations are identified and the identifications are stored by the on-line account. The on-line account can also store the address of the locations.

The user at a network location can log into the on-line account and place a request for an electronic work. The "network location" or "user location" is any location remote from the location of the electronic work being requested. The on-line account receives the request, accesses the location of the requested electronic works and facilitates the user being able to access the electronic work. The user gains access to the electronic work by at least a message identifying the location of the electronic work.

Thus, the claims of the present invention disclose a method whereby a user can assess his electronic works regardless of where the user stored it and where the user is located. For example, if the user is at his place of business and the electronic work is stored at home, the user can access his on-line account, request the electronic work and the on-line account processes the request,

determines where the content is located and provides the user with at least the information necessary for the user to access the requested electronic work.

This is in contrast to Ginter. Applicants resubmit that Ginter does not consider the activities of a single user. Ginter's disclosure revolves around a "virtual distribution environment" or "VDE" and secure containers containing content and rights information. See, Ginter, column 1, lines 25-26 and column 8, line 1-4. Ginter bases his entire disclosure around the secure containers and thus teaches that all of the transactions are between two parties, producer/distributor, distributor/user, etc. Applicants submit that the Examiner admitted as much is his answer in the Office Action dated November 18, 2004. The Examiner states that:

At a minimum, Ginter throughout the specification refers to the single user at least as an electronic information user, an end-user or user, an individual, a consumer, a purchaser, an author, or a creator. Figure 1 depicts a consumer receiving electronic works via a video production studio or from an information utility that distributes published electronic works. Figure 2 depicts the flow from content creator, rights distributors, content users, and financial clearinghouse and content administrator.

Applicants never argued that Ginter does not disclose a single user, Applicants argued that all the claimed activities revolve around only the user's content. The Examiner states above that Figures 1 and 2 depict that a user receives electronic works or the works flow to the user from another party. Applicants submit that transactions between different parties are the crux of Ginter's "VDE" system with rights management. In the present invention, the user is keeping track of his content at a centralized on-line account to allow him access to his own content regardless of where the user is in relation to the user content location. Given the above, Applicants respectfully request that the rejections be withdrawn.

